

City of Mississauga Department Comments

Date Finalized: 2021-11-16	File(s): A494.21 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2021-11-25 1:00:00 PM

Consolidated Recommendation

The City has no objections to the variances, as requested. The Applicant may wish to defer the application to ensure that all required variances have been accurately identified.

Application Details

The applicant requests the Committee to approve a minor variance to allow the construction of a condominium building proposing:

1. A balcony projection of 2.0m (approx. 6.56ft) beyond the buildable area on the north side of the building, as shown on Schedule RA5-53 whereas By-law 0225-2007, as amended, does not permit balconies to project beyond the buildable area on a Schedule where a dimension is provided;
2. To change the dimensions indicated on the attached Schedule RA5-23 to 1.4m (approx. 4.59ft) whereas Schedule RA5-23 shows a dimension of 1.7m (approx. 5.58ft); and
3. To convert one surface parking space to a utility pad as identified on the attached Schedule RA5-53 whereas By-law 0225-2007, as amended, does not permit a parking space to be used for any other purpose.

Amendments

While Planning staff is not in a position to provide an interpretation of the zoning by-law, Planning staff note that the applicant has requested the following revisions be made to Variances #1 and 2.

1. A balcony projection of 2.0m (6.56ft) beyond the buildable area on the north and west sides of the building, as shown on Schedule RA5-53 whereas By-law 0225-2007, as amended, does not permit balconies to project beyond the buildable area on a Schedule where a dimension is provided;
2. To change the dimensions indicated on the attached Schedule RA5-23 to 1.7m (5.58ft); whereas Schedule RA5-23 shows a dimension of 1.4m (4.59ft);

Background

Property Address: 28 Ann Street

Mississauga Official Plan

Character Area: Port Credit Community Node

Designation: Mixed Use

Zoning By-law 0225-2007

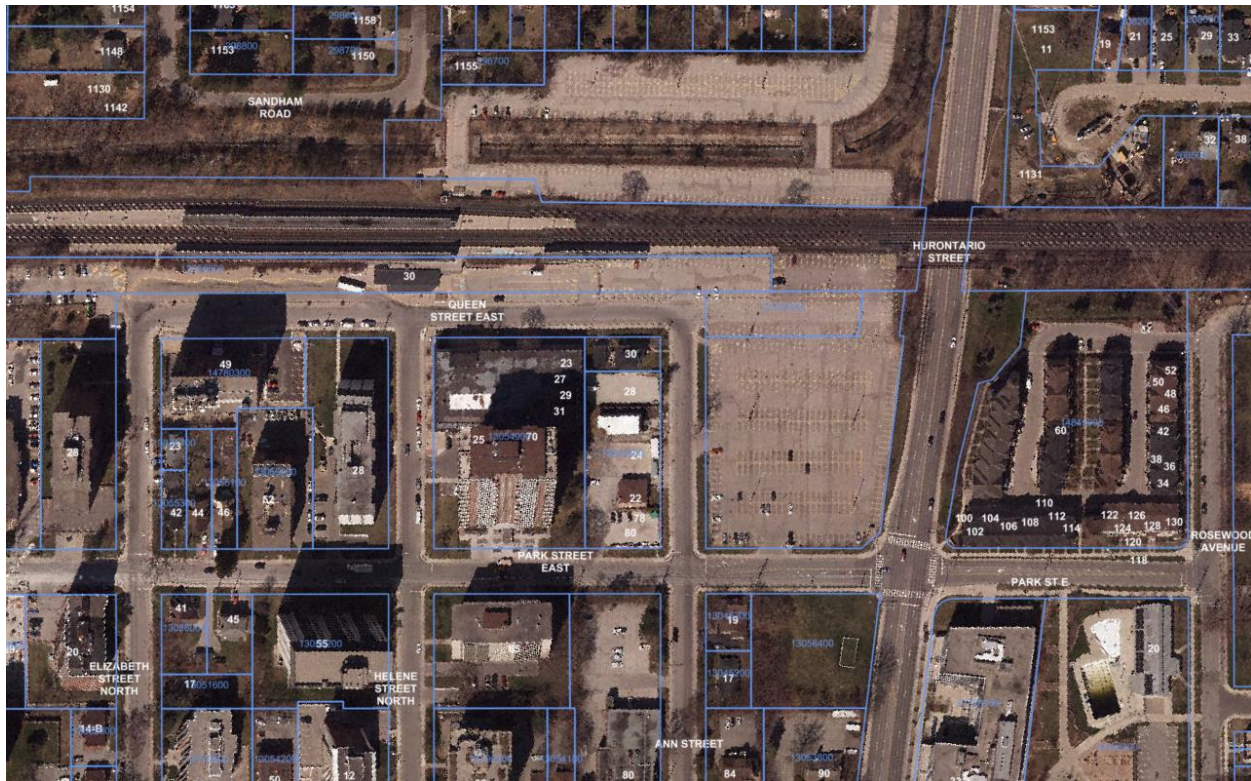
Zoning: RA5-53 - Residential

Other Planning Applications: Official Plan Amendment and Zoning By-law Amendment OZ19-08, Site Plan – SP 20-51, Minor Variance A106-21

Site and Area Context

The subject property is located within the Port Credit Community Node Character Area, northwest of Hurontario Street and Lakeshore Road East, in a Major Transit Station Area (MTSA). The immediate area contains the Port Credit Go Station, commercial uses, parking structures and high-rise apartment buildings. On February 24, 2020 the subject property received Zoning by-law Amendment approval (Application OZ 19-18) for a 22-storey condominium. The subject property is currently undergoing the site plan approval process (Application SP 20-51).

The applicant is seeking variances to formalize the intent of the Zoning By-law Amendment (By-law 0054-2020). As such, the applicant requires variances to permit balconies on the north and west side of the building, to permit a gas meter and associated stairs within the area identified as 'Parking' on Schedule RA5-53 and to modify a dimension of two eighth storey projections on the west façade of the building from 1.40m(4.59ft) to 1.7m(5.58ft).



Comments

Planning

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. Approval of applications must meet the requirements set out under 45(1) and/or 45(2) (a) or (b) in the *Planning Act*.

Staff comments concerning the application of the four tests to this minor variance request are as follows:

Does the proposal maintain the general intent and purpose of the Official Plan?

The subject property is designated Mixed Use in Schedule 10 of the Mississauga Official Plan (MOP). The Mixed Use designation permits residential uses. The proposed 22-storey condominium respects the designated land use. As such, staff is of the opinion that the general intent and purpose of the MOP is maintained.

Does the proposal maintain the general intent and purpose of the Zoning By-law?

Variance #1 pertains to balcony projections. The applicant is requesting a variance to permit a balcony projection of 2.0m (6.56ft) beyond the buildable area on the north and west sides of the

building, where the balconies are not permitted to project beyond the buildable area. Staff has no concerns with this variance, as balcony projections on the north side of the building were always envisioned in the applicant's proposal. Furthermore, the balcony projections on the north side of the building were included in the applicant's concept drawings submitted with the zoning application. Staff do however note that correspondence between the applicant and Planning staff never indicated any balcony projections on the west side of the building. However, Planning staff have no planning concerns regarding the applicant's request to amend variance #1 to include balcony projections on the west side of the building.

Variance #2 pertains to the dimension of two eighth storey projections on the west façade of the building. The applicant is proposing to amend the dimensions indicated on the attached Schedule (RA5-23) to 1.7m (5.58ft) where the Schedule shows a dimension of 1.4m (4.59ft). The applicant has indicated that variance #2 is required to provide a buffer to account for potential future site conditions that may reduce the projections to 1.48m (4.86ft) for example. Variance #2 does not raise any concerns of a planning nature.

Variance #3 pertains to conversion of a parking space to a utility pad. The applicant is proposing to convert one surface parking space (shown on Schedule RA5-53) to a utility pad, where the parking space is not permitted to be used for any other purpose. Conversion of the parking space to a utility pad is required to accommodate a gas meter and associated pad and stairs. Conversion of the parking space will not result in a parking rate deduction, as the parking space was never included in the parking rate calculations and was originally provided by the applicant as a drop-off space for people and deliveries (food, etc.). Planning staff have worked with the applicant to find a suitable location for the proposed utility pad. The applicant has provided a landscape plan to Planning staff outlining the new scheme, which includes the conversion of the parking space. Staff is of the opinion that the proposed conversion is appropriate. Furthermore, Variance #3 does not raise any concerns of a planning nature.

As such, Staff is of the opinion that the general intent and purpose of the zoning by-law is maintained.

Is the proposal desirable for the appropriate development of the subject lands and minor in nature?

The proposed balcony projections on the north side of the building have always been considered part of the development proposal and staff have no concerns with the addition of balcony projections on the west side of the building. The variances related to the dimensions of the eighth storey projections, parking area and dimensions are technical and minor in nature. Staff is aware that the building's form and site layout was determined through the Zoning By-law Amendment process. Furthermore, detailed site design through Site Plan control process has resulted in minor modifications to the applicant's proposal. Staff is of the opinion that the minor modifications to the building form and site layout represent refinements brought about by a more detailed design review process and continue to implement the zoning by-law amendment as approved by Council. Staff is of the opinion that the applicant's proposal is desirable for the appropriate development of the lands and is minor in nature.

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We advise that the Transportation and Works comments/conditions for this property have been addressed through application HOZ-20/001 and currently through SP-20/051.

Comments Prepared by: John Salvino, Development Engineering Technologist

Appendix 2 – Zoning Comments

The Building Department is currently processing site plan approval application SPI 20-51 & building permit application BP 3NEW 20-3380. More information is required to verify the accuracy of the requested variance(s) or determine whether additional variance(s) will be required.

Please note that should there be any changes contained within this Committee of Adjustment application that have not been identified and submitted through the site plan approval process, these comments may no longer be valid. Any changes and/or updates to information and/or drawings must be submitted, as per standard resubmission procedure, separately through the site plan approval process in order to receive updated comments.

Comments Prepared by: Brian Bonner – Supervisor